

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1 and 8 were objected to for several informalities each of which have been addressed and corrected. Claims 1-4 and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vest (4,644,453) in view of Carmo (5,528,477). Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Vest (4,644,453) and Carmo (5,528,477) in view of Darr (5,140,216). Finally, claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Vest (4,644,453) and Carmo (5,528,477) in view of Shima (5,909,953)

Applicant has amended claims 1 and 8 to more distinctly claim those features of his invention which are unique and novel over the prior art, and has added new claim 10 to further distinguish his invention from the cited prior art. Specifically, applicant has amended claim 1 to state that "the at least one ventilation opening being formed over at least part of the light-emitting tube of the fluorescent light bulb," and claim 8 to state that "said at least one ventilation opening consisting of a longitudinally extended slot formed in said outer wall of said hollow tube extending generally parallel with the center longitudinal axis of said hollow tube, said slot having a length of at least one-half the total length of said hollow tube." These additions to the independent claims are intended to point out to the examiner the critical and unique features of applicant's invention, namely that the ventilation opening is formed over part of the light-emitting tube of the fluorescent light bulb to enhance the heat-releasing properties of the ventilation opening. The cited prior art does not teach to position the ventilation opening over the bulb itself, and in fact teaches away from such positioning, due to the necessity of the intact protective envelope tube to ensure the structural integrity of both the Vest and Carmo inventions. To move the ventilation openings to the central area of the Vest transparent tubular housing would significantly degrade or destroy the structural integrity of the Vest invention, which is clearly contrary to the teachings of Vest. As was stated by the C.C.P.A. in In re Rosen; "The modification necessary to the primary reference in order to achieve the patented design may not destroy fundamental characteristics of the primary reference." In re Rosen, 673 F.2d 388, 391, 213 USPO 347, 350 (C.C.P.A. 1982).

Further, the only suggestion to modify the Vest or Carmo devices to include the ventilation

1 openings as currently claimed in applicant's application is provided by applicant's disclosure, and as
2 the Federal Circuit stated in In re Fitch; "The mere fact that the prior art may be modified to reflect
3 features of claimed invention does not make modification, and hence the claimed invention, obvious
4 unless the desirability of such modification is suggested by the prior art... It is impermissible to use
5 the claimed invention as an instruction manual or "template" to piece together the teachings of the
6 prior art so that the claimed invention is rendered obvious. This court has previously stated that 'One
7 cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art
8 to deprecate the claimed invention.'" In re Fitch, 23 USPQ2d 1780, 1783-4, *citing from In re*
9 Gordon, 733 F.2d at 902, 221 USPQ at 1127 and In re Fine, 837 F.2d at 1075, 5 USPQ2d at 1600.
10 There can be no suggestion to modify either Vest or Carmo to include ventilation openings in the
11 central area of the transparent housing, much less a longitudinally extended ventilation opening
12 having a length of at least one-half the length of the overall housing, as it would severely
13 compromise the ability of the housing to protect the fluorescent lamp and thus to function in the
14 manner intended by the inventors themselves, which is clearly contrary to the teachings of the two
15 cited patents. Furthermore, none of the prior art cited by the examiner discloses or suggests the
16 specific combination of elements applicant currently discloses in his invention.

17 Also, it is important to note that the thickened wall structure of the hollow tube of the present
18 invention, as claimed in new claim 11, permits the inclusion of the ventilation opening in the center
19 portion of the hollow tube, and none of the cited prior art devices disclose the thickened wall
20 structure as currently claimed.

21 Regarding claims 2-7 and 9, these claims were rejected along with claims 1 and 8, but
22 applicant wishes to clarify that he does not claim exclusive rights to the features defined in those
23 claims independently, but rather only in combination with the present invention as defined in
24 presently amended claims 1 and 8. For the reasons expressed above in connection with claims 1 and
25 8 and for the structural limitations added by these claims, claims 2-7 and 9 are believed to be
26 allowable with claims 1 and 8.

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This application is thus believed to be in condition for allowance of all claims remaining herein, and such action is respectfully requested.

Respectfully submitted,

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment for a SUPPORT AND ENCLOSURE STRUCTURE FOR FLUORESCENT LIGHT BULBS, Serial № 10/786,870, was mailed by first class mail, postage prepaid, to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of February, 2006, which is the first day following February 5, 2006 that is not a Saturday, Sunday or Federal Holiday.

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